

# The Times-Dispatch

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WEDNESDAY, NOVEMBER 11, 1908.

## HOW TIME JUSTIFIES THE SOUTH.

There is sentiment even in the law and the interpretation of it. Judges unconsciously catch the spirit and the thought of their time and, whether they will or no, reflect it in their decisions. Even the United States Supreme Court, austere tribunal that it is, cannot escape this irresistible influence. To an appreciable extent, the official opinion of a chief justice is the legally precipitated residuum of the collected opinions of the great lay majority.

The decision of the Supreme Court in the case of Berea College vs. the State of Kentucky is a landmark in its way. In 1904 Kentucky passed a law prohibiting the education of white and colored pupils in the same schools, and Berea College brought suit to test the constitutionality of the enactment. The intent of it, obviously, was not to prevent white children from attending colored schools, but to prevent colored children from attending white schools. In short, it was designed to legalize very much the sort of discrimination which the Fourteenth Amendment was designed to illegalize. Yet the Kentucky Circuit Court sustained the law. So did the Court of Appeals, advancing as its reason that "the white and black races are naturally antagonistic." Now comes the Supreme Court, which, instead of flying into a judicial passion at the discriminatory behavior of the two lower courts, calmly affirms them both. Such a metamorphosis has a generation wrought. It is easy to imagine what this august judiciary would have said forty years ago of any judge who declared that there was a "natural antagonism" between the white man and his ebony-tinted brother.

The fact is that the Fourteenth Amendment is the Sick Man of the United States Constitution, and the Supreme Court must not be understood as sitting by the bedside and administering restoratives. The old instrument has been stabbed in the house of its friends. A most exalted authority announced the other day through the columns of this newspaper that the South could go ahead and "constitutionally" disfranchise the negro all it wanted to, without the remotest fear that an impassioned Northern majority would whittle down its representation in Congress. The opinions of Theodore Roosevelt are not, it is true, to be taken too seriously, because of their well known variability. Nor is his personal verdict in any sense binding upon Legislatures or courts. Yet that a President of the United States, the ablest leader of a party which has consistently opposed all the South's policies with regard to the negro, should thus publicly declare views which fully sustain these policies, is significant in the extreme. That other leaders within his party have not risen up to combat such reactionary views is hardly as significant. Such incidents make it increasingly plain that the progress of time has abundantly justified the South, and that it is not this section of the country which the history of the years immediately following the war will put upon the defensive.

## THE DEMOCRATIC PRIMARY AND THE REPUBLICAN MOVEMENT.

Commenting upon some remarks of a highly esteemed Norfolk contemporary, the News Leader of yesterday says:

"We agree very heartily with the Virginia-Pilot, however, when it says that one of the serious dangers looms black and threatening just before us is the plurality primary. It warns the party authorities that many thousands of white men may stay out of the gubernatorial primary because they do not care to risk being compelled to vote at the general election for a minority nominee. . . . Unquestionably with a Democratic minority nominee and a strong Republican nominee the Democratic grip on the State would be endangered."

The Times-Dispatch begs to submit that the News Leader's "unquestionably" is, in fact, subject to the most vigorous question. Granting the utmost conceivable latitude to such new Republican strength as there may be in this State, the risk of the election of a Republican Governor still remains unimaginable. Conceding to the fullest the alleged submergence of party lines and weakening of party ties, when is the Republican in Virginia who, on his personal consciousness, can command enough votes at the polls throughout the State to elect him Governor? If not on his personal consciousness, then on what? Surely we are not to believe that, in the delirious whirl of this new thing called "freedom," Virginia Democrats are to begin to vote for Republicans on no other ground than they are Republicans?

"A Democratic minority nominee," we take it, is a candidate who receives less than a majority of the total vote in the primary, but who wins the nomination because he receives more votes than anybody else. Will any considerable body of Democrats prefer to vote for a Republican, seemingly any Republican, rather than for such a candidate? The Times-Dispatch

repudiates the suggestion. It repudiates the idea that any considerable body of Democrats will find all Democratic aspirants for office but one, let us say, so objectionable that they will stay out of the primary for fear they may be pledged to vote for them. It repudiates the idea that a Democrat who could poll at least one-third of the votes of his party would be generally passed over for some unnamed "strong Republican nominee."

As for the question of the equitable primary, there are perplexities here, indeed. The Times-Dispatch threshed the subject over rather thoroughly last summer in a series of editorials elicited by the pointed arguments of a Suffolk legislator. It had the pleasure at that time of anticipating the News Leader's suggestion of yesterday in favor of a second-day primary. Perhaps that remains the best way of safeguarding the nominations, though it was not offered as, and is not, a perfect method. To get a real majority where there is no majority in sentiment is a difficult thing. It is easy for the Virginia-Pilot to urge that the party "require a majority vote to nominate candidates," but just how is such a majority vote to be effected?

SENATOR CARMACK'S MURDER. Hard on the unspeakable lawlessness of Reel Foot Lake night riders comes the killing of ex-Senator Carmack on a crowded thoroughfare in Nashville. Though bearing some semblance of respect to traditions for fair play, in that Senator Carmack was armed, the assault was none the less murderously conceived and effectually carried out. The reason assigned for this attack by young Mr. Cooper's friends—namely, that Senator Carmack had so bitterly, remorselessly and unfairly pursued and maligned his father, Colonel Duncan C. Cooper, as to make all satisfaction short of Carmack's death valueless—sounds miserably artificial and weak.

The Tennessee, which Senator Carmack edited, distinctly declares that nothing offensive or insulting had appeared in reference to Colonel Cooper, though a perusal of some of its latest issues shows a vein of mordant sarcasm over the patriotic good offices of "Cooper the Peacemaker," as Carmack called him, that is calculated to irritate even less sensitive souls.

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The facts seem to be that Colonel Duncan C. Cooper, a leading light in the liquor interests, had supported Governor Patterson, who defeated Senator Carmack in the Democratic primary for Governor. Patterson took local option and Carmack State-wide prohibition as their leading issues, and the campaign developed into a mere personal struggle. That after his defeat Carmack, as an editor, carried his resentment and criticisms too far can hardly be doubted, but assuredly not to such an extent as to merit being slaughtered like a wild beast. Apart from his own feelings, and the sorrow and suffering his death must bring to his family, there is a great economic loss to the State and nation involved in snuffing out such a life as ex-Senator Carmack's. He was a man of force, courage, intelligence and conviction. His services in the House of Representatives and the Senate were an honor and an advantage to the State of Tennessee. But because another politician feels aggrieved such a force is to be annihilated so far as this world is concerned?

There is in its logical sequence stands the necessary and final outcome of all lawlessness. Riots, forcible boycotts, night riders, cotton burners, lynchers, gentlemen murderers, all alike appear unprovokedly, but none the less surely, at the destruction of law, and with the law goes society.

To protect human life and property, and impartially to enforce the law against those who take its execution into their own hands is the prime duty of those States or sections where lawlessness tries to raise its head.

The newspapers of the South have long seen and cried out against such a spirit, and the murders of Narciso G. Gonzales by James H. Tillman, and now of E. W. Carmack by Robin Cooper, are a standing proof of how much remains to be accomplished.

## WOMAN'S COLLEGE CAMPAIGN.

The ten-day campaign for one hundred thousand (\$100,000) dollars for the Woman's College has begun. There must be no lagging, no hesitation. The occasion demands generous and prompt response from the city of Richmond, and the occasion must be met.

Such obligations as these necessarily come to cities of Richmond's wealth and power. No one expects a mole to be a race-horse, and no one asks it. The common sense of mankind appreciates and applies the doctrine "to whom much is given of him also shall much be required." In material and social advantages, in all the blessings of a homogeneous and gentle citizenship, in rapidly increasing wealth and power, Richmond has been blessed beyond its fellows. In the train of such blessings has come the opportunity of assuming higher responsibilities, or, rather, of meeting the natural development of those already here—responsibilities which may not be shirked, avoided or denied.

The present responsibility is to raise \$100,000 for the Woman's College. To do so, while laying a hardly perceptible burden on the community, will firmly establish an institution of culture and light for generations yet to come.

To refuse to make the slight sacrifice involved will be to take a backward step, whose ultimate results for evil no man can calculate. There is no middle ground. Like the stars in the course, cities and men may not stand still. Either upward or downward they must move, and Richmond will not consciously take a step in retrogression. He who gives quickly gives twice, and for the increase of that

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spirit, which makes Richmond what it is, The Times-Dispatch hopes and believes that the campaign for the Woman's College will be brought to a speedy and successful conclusion.

## RHYMES FOR TO-DAY.

THE LASS THAT LOVED ME DEAR. I KNEW A GIRL IN PITTSBURGH, Pa., Whose love for me was strong; And every time I went away, That girl would come along.

It was no use to try to slip Off, sneaky as who'd rob; However still I'd kept the trip, She would be on the job.

Aye, though I stole away at night Or in the snow and sleet, Behind me, tripping very light, I'd hear her flying feet.

Or maybe I'd hear naught and say: "Hooray! I've left her far!" And later on, in lowly, She'd stroll into my car.

Sometimes I'd reach my journey's end In safety, and then hear The voice of my poor lady friend: "Tis I, Gustavus, dear."

It booted not to speak to Nome, To Meador, or to Snow; She was a glutton for a roan, And came—I know not how.

Nine year in ice and sun and rain, By land and eke by sea, Nine year by boat and tram and train The fond wench followed me.

And then, one day, grown wan and white, I sneered: "Well, have your way!" So we were married late that night Four miles from Santa Fe.

—H. S. H.

## MERELY JOKING.

Rough Estimate. "I say, waiter," said the impatient guest, "How long will my omelette be?"

"I can't say exactly," replied the waiter, "but the average is about eight inches."—Chicago News.

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"Is the gentleman's speech," added the newspaper reporter, "was circumflex?"—Youth's Companion.

## WHY HE NEVER MARRIED.

"Yes," said the modest young man, thoughtfully, "I have broken off my engagement. I have been thinking it over for a long time, and I have come to the conclusion that I am not a suitable husband."

"Why not?" asked the lady, who had been sitting in both taste and intelligence.—"Titt-Bitts."—Tit-Bits.

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"George, you seem to be losing all control over Jimmie." "Why, he won't do a thing I tell him to do."—Cleveland Plain Dealer.

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"WHY do all the men who ride motorcycles look alike?" asks the Richmond Times-Dispatch. Move, and look alike."—Cleveland Leader.

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## PERSONAL AND GENERAL.

Snow fell in Europe for forty days in 1824.

Cuba's output of molasses this year will be about 800,000 gallons.

Milk that is delivered to the homes of New York City each morning comes from 20,237 dairies.

The fine fringe in Flanders in 1488 and the soldiers to whom it was distributed had to cut it in pieces with hatchets.

State values at \$6,019,220 was quarried and sold in the State in 1907, an increase over 1906's output of \$350,575.

The tidal rise and fall on the Pacific side of the Isthmus of Panama would tend to keep the people of that country cool.

As a health restorative a French medical expert recommends a ten or fifteen day's diet of fruit alone, twice during the curing.

By sprinkling a solution of citric acid with a 2 per cent. solution of citric acid, the free nicotine, which causes the "bite," is eliminated.

Miss Kate E. Cheek, of Toboso, O., is the only regularly-appointed woman rural mail carrier in the State. She has served in this capacity since 1892.

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The rumor that Whitelaw Reid wants to leave the United States Senator from New York, says the Springfield Republican, has been a new ambassador at the Court of St. James.

A letter from Berlin, speaking of the birth of the Empress, says: "The Empress gave her hand to Prince Wilhelm February 27, 1881, and time has demonstrated that the report which spoke of it as a love match was true in its broadest sense."

Prof. David Gordon Lyon, Hollis professor of divinity and curator of the Semitic Museum at Harvard University, has returned from an archeological expedition to Samaria, and reports the finding of specimens of Greek and Roman pottery in what is supposed to have been a temple erected by Herod the Great.

The case of the zoological department of the Ann Arbor University, has returned from an expedition to the desert region of Texas, and has secured a valuable collection of reptiles and amphibious fossils in existence. He brought back with him a few pounds of the bones of antediluvian reptiles.

Prof. Frederick Starr, of the University of Chicago, told a class in archeology yesterday that the oldest known game, the round-bellied mounds, were the original ball players, and that he had discovered their diamonds and found a ball used by them. He said he had been able to trace their ball fields in Illinois, Wisconsin, Indiana and Ohio.

Mrs. Elizabeth George Henderson, who read a paper at the recent meeting of the North Carolina Peace Congress, held in Greensboro, said that she had written to the heads of the associations of the Daughters of the Confederacy in the different States, asking them to send her specimens of the objects of the congress. Without exception they had declined themselves in favor of peace by arbitration.

Well, didn't you ever feel that you'd like to go and shoot the postmaster yourself?

Almost anybody might succeed Platt in the Senate except Platt.

Ann Velted After Death. Henry Calver of Nevins, Minn., fell asleep on the railroad track of the Red River Lumber Company, north of Akeley, and was struck and run over by the Great Northern logging train yesterday. Gaheen was horribly mangled and died at the Union Hospital, where Dr. Fisk and Lowman were endeavoring to restore the pulsation.

When the mangled body arrived at the hospital at 10 o'clock, the doctors found with pain, yet the doctors say there was no pulsation of the body. The arteries were dead, and the doctors were unable to restore the pulsation. The body was not moved, and the doctors were unable to restore the pulsation. The body was not moved, and the doctors were unable to restore the pulsation.

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## The Courts of Europe

By La Marquise de Fontenay

### King Frowns on Motor Racing.

WHILE King Edward is an enthusiastic motorist, using his automobile for his only means of conveyance every day, and virtually rejecting the employment of horse-drawn carriages to late occasions, royal pageants and ceremonial functions, he has set his face strongly against racing.

His attitude toward the motor is a matter of course, for the latter, by its very nature, is a means of conveying the masses of the people against this method of locomotion.

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